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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,639	08/26/2003	Melvin Deien	PLWL	3902

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POLSTER, LIEDER, WOODRUFF & LUCCHESI
12412 POWERS COURT DRIVE SUITE 200
ST. LOUIS, MO 63131-3615

EXAMINER


REIS, TRAVIS M

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/648,639	Applicant(s) DEIEN, MELVIN 	
	Examiner Travis M. Reis	Art Unit 2859	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-20 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-20 and 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the rear sight non-integrally spaced from said forward sight as disclosed in claims 8 & 23, said sighting assembly to be separately mounted on said bow at a distance from said pin sight as disclosed in claims 14 & 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. (U.S. Patent 5579752) in view of McGunigal (U.S. Patent 5734053).

Nelson et al. discloses a rear sight system (10) for improving aiming of an arrow fired by a bow (14) which has a forward pin sight (24), the rear sight system comprising a rear sight mounted (20) on said bow such that said rear sight is adjustably movable along two axis of movement relative to said bow (Figure 3), said rear sight spaced from said forward sight in a direction substantially parallel to a direction of flight of said arrow fired by said bow (Figures 2 & 4), said rear sight including a pair of alignment marks and groove (48), locked between a top of said rear sight and a bottom of said rear sight, that align with a pin (46) on said forward sight only when said bow is properly aligned such that said pin is located away from a bottom of said rear sight and wherein said pin is obscured when said bow is misaligned, wherein the groove (48) has a front edge visible to an archer and a rear edge, a distance from said front edge to said rear edge defining a thickness of said rear sight such that a misalignment of the eye of the archer relative to said rear sight will obscure the archer's view of said forward sight through the rear sight (Figure 4).

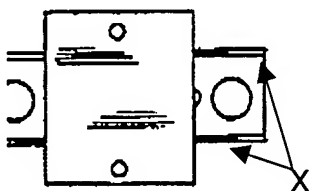
Nelson et al. do not disclose the rear sight is nonintegrally spaced from said forward sight and has three axis of movement.

McGunigal discloses a bow sight assembly with a mounting plate (42) which accepts a longitudinally adjustable (44) nonintegral rear sight (20) in order to adjust the sight. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to replace the mounting disclosed by Nelson et al. with the longitudinally adjustable nonintergral mounting disclosed by McGunigal in order to adjust the sight to let the user put the sight in the best location for the build of the user.

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4. Claims 1-4, 14, 17, 19, 20, & 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. & McGunigal as applied to claims 8 & 10 above, and further in view of Theodore (U.S. Patent 3777380).

Nelson et al. & McGunigal disclose all of the instant claimed invention as stated above in the rejection of claims 8 & 10, including said sighting assembly having a pedestal (26) slidably mounted on the base plate and having a channel (34) formed therein; a mast member (42) mounted on the pedestal with an end portion of the mast member being positioned in the channel of the pedestal such that a position of the mast member in the channel is adjustable (Figure 3), the sight groove being mounted on the mast member (Figure 2); a bow string (Figure 1) mounted on the bow, fasteners(32, 56) to lock the position of the sight assembly; & a slot in the longitudinal direction (X, see below)



and said support portion having a slide (42-McGunigal) outwardly extending toward said mounting portion (McGunigal-Figures 2 & 6).

Nelson et al. & McGunigal do not disclose said sight groove has a length, a width, and a height such that the length has a longer dimension than the width.

Theodore discloses a sight (10) that has a groove (5) with a length (11) has a longer dimension than its width (12) (Figure 1) in order to facilitates rapid target acquisition and the tracking of moving targets (col. 1 lines 34-36). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to shape the groove disclosed by Nelson et al. & Mugunigal in the manner of a length with longer dimension than its width dimension, as taught by Theodore in order to facilitate rapid target acquisition and the tracking

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of moving targets.

5. Claims 9, 11, & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. & McGunigal as applied to claims 8 & 10 above, and further in view of Fredrickson (U.S. Patent 2642661).

Nelson et al. & McGunigal disclose all of the instant claimed invention as stated above in the rejection of claims 8 & 10 but do not disclose the groove is in a V shape cross section.

Frederickson discloses an archery sight (25) with a V shaped groove (58) to give an emergency point of aim in case of the forward sight (57)(Figure 2)(col. 4 lines 20-27). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to shape the groove disclosed by Nelson et al. & McGunigal in the shape of a V in order to provide an emergency point of aim.

6. Claims 5, 6, & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al., McGunigal, & Theodore as applied to claims 1-4, 14, 17, 19, 20, & 22-26 above, and further in view of Fredrickson.

Nelson et al., McGunigal, & Theodore discloses all of the instant claimed invention as stated above in the rejection of claims 1-4, 14, 17, 19, 20, & 22-26 but do not disclose the groove is in a V shape cross section.

Frederickson discloses an archery sight (25) with a V shaped groove (58) to give an emergency point of aim in case of the forward sight (57)(Figure 2)(col. 4 lines 20-27). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to shape the groove disclosed by Nelson et al., McGunigal, & Theodore in the shape of a V in order to provide an emergency point of aim.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al., McGunigal, & Theodore in view of Schroeder (U.S. Patent 4220983).

Nelson et al., McGunigal, & Theodore discloses all of the instant claimed invention as stated above in the rejection of claims 1-4, 8, 10, 14, 17, 19, & 20 but do not disclose a light to illuminate said alignment marks on each side of said groove such that the alignment marks are visible in low light.

Schroeder discloses an illuminated bowsight (12) including a light emitting diode (26) located centrally relative to the sight in order to illuminate the ring (16) in order to sight targets in dim conditions (Figure 4)(col. 1 lines 49-51). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to add the light emitting diode disclosed by Schroeder to the sighting assembly disclosed by Nelson et al., McGunigal, & Theodore in order to sight targets in dim conditions.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al., McGunigal, & Frederickson as applied to claims 9, 11, & 12 above, and further in view of Schroeder.

Nelson et al., McGunigal, & Frederickson disclose all of the instant claimed invention as stated above in the rejection of claims 9, 11, & 12 but do not disclose a light to illuminate said alignment marks on each side of said groove such that the alignment marks are visible in low light.

Schroeder discloses an illuminated bowsight (12) including a light emitting diode (26) located centrally relative to the sight in order to illuminate the ring (16) in order to sight targets in dim conditions (Figure 4)(col. 1 lines 49-51). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to add the light emitting diode disclosed by Schroeder to the sighting assembly disclosed by Nelson et al., McGunigal, & Frederickson in order to sight targets in dim conditions.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al.,

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McGunigal, Theodore, & Frederickson as applied to claims 5, 6, & 16 above, and further in view of Schroeder.

Nelson et al., McGunigal, Theodore, & Frederickson disclose all of the instant claimed invention as stated above in the rejection of claims 5, 6, & 16 but do not disclose a light to illuminate said alignment marks on each side of said groove such that the alignment marks are visible in low light.

Schroeder discloses an illuminated bowsight (12) including a light emitting diode (26) located centrally relative to the sight in order to illuminate the ring (16) in order to sight targets in dim conditions (Figure 4)(col. 1 lines 49-51). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to add the light emitting diode disclosed by Schroeder to the sighting assembly disclosed by Nelson et al., McGunigal, Theodore, & Frederickson in order to sight targets in dim conditions.

Response to Arguments

10. Applicant's arguments with respect to claims 1-14, 16-20, & 22-26 have been considered but are moot in view of the new ground(s) of rejection.

11. In response to applicant's arguments that modifying Nelson to separate the integrated front and rear sights would destroy the references; these arguments have been fully considered but they are not persuasive since Nelson discloses the mounting plate is attachable to the bow by any manner of clamps, fasteners, brackets, etc. (col. 2 lines 21-23). Furthermore Nelson does not disclose that the front and rear sights must be connected a specific distance apart and hence can be modified in the manner disclosed above in paragraph 3.

Conclusion

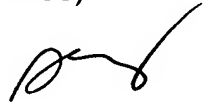
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis M. Reis whose telephone number is (571) 272-2249. The examiner

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can normally be reached on 8--5 M--F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Travis M Reis
Examiner
Art Unit 2859



Diego Gutierrez
Supervisory Patent Examiner
Tech Center 2800

tmr
January 23, 2006